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October 5, 2020

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Judge  
United States District Court, SDNY  
40p Foley Square, Room 2201  
New York, New York 10007

Re: Hugo Kayo v. Police Officer Peter Mertz, et al., 19 Civ. 00365 (PAE)

Your Honor:

I am an attorney that represents plaintiff in the above-referenced matter. I write to respectfully request that the Court extend the due dates for plaintiff's Opposition to Defendants' Motion for Summary Judgment and Plaintiff's Cross Motion for Partial Summary Judgment motion and responsive motion papers for three additional days. As the Court may recall, by letters dated July 29, 2020, August 12, 2020, August 24, 2020, and September 9, 2020, and September 30, 2020 I requested an extension because I had fallen ill and was unable to competently work on the motion. While I am now essentially recovered from the illness, I continue to have an extreme lack of energy and I am also having difficulty catching up on the tremendous amount of the work that built up during the time period when I was sick. I have admittedly overestimated my ability to complete this motion by today because I greatly underestimated the amount of energy I would have to work on the motion. This application is being made on the eve of the deadline because as late as today I incorrectly believed I could complete the motion by the current deadline. For these reasons I respectfully request that the Court grant this short extension until Thursday for plaintiff's Opposition to Defendants' Motion for Summary Judgment and Plaintiff's Partial Motion for Summary Judgment to be filed with the Court. I have been unable to reach counsel for defendants to determine whether defendants consent to this request. The following proposed motion schedule is a revised schedule adding five days to each of the remaining deadlines:

Plaintiff's brief in support of his motion for partial summary judgment and in opposition to plaintiff's motion: **October 8, 2020**

Defendants' brief containing their reply an opposition to plaintiff's motion: **October 22, 2020**

Plaintiff's Reply: **November 2, 2020**

Finally, this has been a very difficult time period for me and I want to thank the Court for being so understanding during the time I have been sick, and for granting me time to file the motion after I recovered. I truly appreciate the fact that the Court seemingly has understood that I was physically unable to work on the motion while I was sick and granted my previous motions requesting an extension of time to file the motion papers. Once again I apologize if this application causes any inconvenience to the Court.,

We thank the Court for its consideration herein.

Respectfully submitted,

/s/

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David M. Hazan, Esq.  
*Attorney for Plaintiff*

Granted. Plaintiff should not expect any  
further extensions.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

October 6, 2020